HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.4836 of 2006

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Dated: March 13, 2006

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Between:

K. Balaji, S/o. Vanamaiah, aged 40 years,

Occupation: Driver, R/o. Sanapalli Lanka,

Amalapuram, East Godavari District.

… Petitioner

And

Deputy Transport Commissioner &

Secretary, Regional Transport Authority,

West Godavari District, and another.

… Respondents

Order:

In this Writ Petition, the petitioner is seeking direction by way of Writ of Mandamus to

declare the action of the respondents in seizing and detaining his vehicle, a Road Roller bearing Registration No.AP.09/AC.6146, pursuant to the Vehicle Check Report
dated 02-02-2006, as illegal and arbitrary and a consequential direction is also sought to release the said vehicle.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

3. The Check Report prepared at the time of seizure of the vehicle in question discloses that there are certain allegations with regard to violation of the provisions of the Motor Vehicles Act and the Rules made thereunder.

4. With regard to the allegations made, it is for the respondents to conduct enquiry into those allegations and pass final orders. As the enquiry takes some time, I dispose of the Writ Petition directing the respondents to release the vehicle in question on condition of the petitioner depositing Rs.5,000/- (Rupees Five Thousand only) and also on furnishing an undertaking that he will not alienate, transfer, encumber or create any third party interest over the vehicle in question till final orders are passed. It is made clear that the amount deposited and undertaking given by the petitioner are subject to the final orders to be passed in the enquiry.

5. Subject to the above directions, the Writ Petition is disposed of at the stage of admission.

JUSTICE R. SUBHASH REDDY.

March 13, 2006

N.B. **Furnish C.C. tomorrow**

B/o

MRR